



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,960	07/03/2003	Gordon P. Kurtenbach	1252.1005-CDC	3561

21171 7590 07/12/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,960

Applicant(s)

KURTENBACH, GORDON P.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7 and 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/03/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Cruyningen [US. 5,805,167] in view of Hunleth et al. [US. 2005/0044509].

As to claims 1, 7, 12, 15-16 van Cruyningen teaches a computer implemented method and corresponding apparatus for a menu selection comprising the steps/means for a pointing device for indicating a type of selection by one of making a stroke having a direction and designating a location (figure 5, (46), column 3, lines 57-67); and a computer connected to a display and said pointing device, and determining selection criteria for the type and a menu selection based on a method of selection from one of the stroke and the location (column 8, line 65 through column 9, line 51).

Van Cruyningen fails to clearly teach a display displaying a menu comprising a radial marking menu portion and a linear menu portion. However, Hunleth et al. teach the radial marking menu portion at figure 5A-B and the linear menu portion at figure 1A-B.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the radial and linear menus of Hunleth with van Cruyningen's system. Motivation of the combination would have been to enhance menu performance.

As to claim 2, van Cruyningen teaches the menu including at least nine selectable menu items (figure 5).

As to claim 3, van Cruyningen also teaches the menu including at least nine selectable menu items (figure 1A).

As to claims 13-14, 17, van Cruyningen teaches specifying selection criteria of a radial marking menu item when a method of selection is a stroke direction in the radial marking menu portion (figure 5, (46), column 3, lines 57-67) and specifying selection criteria of a linear location menu item when a method of selection uses an end point of the stroke when the stroke is in a linear location selection region (column 15, lines 20-67).

Van Cruyningen fails to clearly teach a display displaying a menu comprising a radial marking menu portion and a linear menu portion. However, Hunleth et al. teach the radial marking menu portion at figure 5A-B and the linear menu portion at figure 1A-B.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the radial and linear menus of Hunleth with van Cruyningen's system. Motivation of the combination would have been to enhance menu performance.

As to claims 18-19, van Cruyningen shows making a stroke in a menu, selecting a displayed first item of the menu when the stroke terminates inside the displayed first item of the menu (figure 5, column 3, line 56 through column 4, line 5) and selecting, based on the stroke, a second item of the menu, when the stroke does not terminate inside any displayed items of the menu (column 9, lines 26-44).

Van Cruyningen fails to clearly teach a display displaying a menu comprising a radial marking menu portion and a linear menu portion. However, Hunleth et al. teach the radial marking menu portion at figure 5A-B and the linear menu portion at figure 1A-B.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the radial and linear menus of Hunleth with van Cruyningen's system. Motivation of the combination would have been to enhance menu performance.

As to claims 20-22, while Hunleth teaches a radial portion and a linear portion, van Cruyningen teaches a menu selection being based on a stroke (column 4, lines 1-25), selection of a radial menu item of radial portion being suppressed when a pointer location is in the linear portion (column 16, lines 42-65); the radial menu item selection being reactivated when the pointer location exits a linear item in the linear portion (column 13, lines 25-65) and when the pointer location crosses a radial portion boundary line extending across the menu (column 13, lines 1-48).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the radial and linear menus of Hunleth with van

Cruyningen's system. Motivation of the combination would have been to enhance menu performance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179



WEILUN LO
SUPERVISORY PATENT EXAMINER